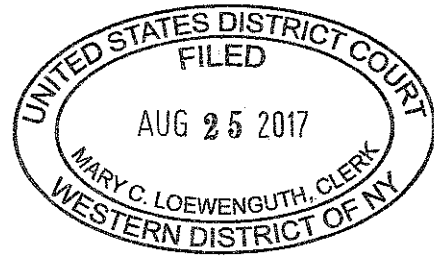


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---



DENISE LASHALLE GILL,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security

Defendant.

---

ORDER

16-CV-6439

Plaintiff Denise Gill brings this action pursuant to 42 U.S.C. § 405(g) to review a decision of the Commissioner of Social Security denying her application for Social Security Disability benefits. See Complaint (Docket # 1). Presently before the Court are the parties' competing motions for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. See Dockets ## 14, 20.

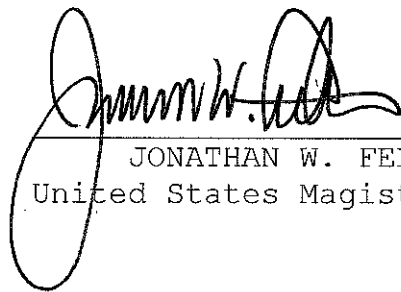
On August 24, 2017, a hearing was held and arguments were heard from counsel on the motions. At the conclusion of the hearing, the Court rendered a detailed Decision and Order that was read into the record, which is hereby incorporated by reference. Put simply, the decision of the ALJ was not supported by substantial evidence because the ALJ failed to properly address, consider and fairly evaluate opinion evidence regarding plaintiff's non-exertional mental health impairments.

Therefore, for the reasons set forth in the Court's oral Decision and Order, it is hereby

**ORDERED** that plaintiff's motion for judgment on the pleadings (Docket # 14) is **granted only insofar as the matter is remanded to the Commissioner** for further proceedings consistent with the Court's oral Decision and Order; and it is further

**ORDERED** that the Commissioner's motion for judgment on the pleadings (Docket # 20) is **denied**.

**SO ORDERED.**



---

JONATHAN W. FELDMAN  
United States Magistrate Judge

Dated: August 25, 2017  
Rochester, New York